

REMARKS

Claims 1-25 are pending in this application.

Upon entry of the present amendment, claims 1-16 will have been amended and new claims 17-25 will have been submitted. Applicants respectfully submit that all pending claims are now in condition for allowance.

In the above-referenced Official Action, the Drafts person objected to the drawing as to failing to comply with 37 C.F.R. §1.84(l), because of the poor line quality of Fig. 1. Applicants submit a revised drawing, together with this response, in which lines are clear. Accordingly, Applicants respectfully submit that the basis for the objection has been eliminated.

The Examiner rejected claims 1-6 under 35 U.S.C. §101, asserting that the claimed invention is directed to non-statutory subject matter. In particular, the Examiner asserted that claims 1-6 recite a computer program product, and a computer program, when executed, should instruct a computer to perform various function. The Examiner also suggested an example of computer program product claim. Applicants appreciate the Examiner's suggestion.

Applicants have amended claim 1 so as to clearly define the computer program product, in accordance with the Examiner's suggestion. Accordingly, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. §101.

The Examiner rejected claim 1 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner noted that he is unable to determine the meaning of the phrase "making the character controlled in accordance with operation of the player use an item."

Applicants have amended claim 1 to clarify the above-noted phrase. Accordingly, Applicants

respectfully request the Examiner withdraw the rejection under 35 U.S.C. §112, second paragraph. Applicants have also amended all claims to eliminate minor language informalities and to clarify the claimed invention. These amendments are totally cosmetic in nature, do not narrow the scope of the claims and thus do not give rise to any estoppel.

In the above-referenced Official Action, the Examiner rejected claims 1-16 under 35 U.S.C. §103(a), as being unpatentable over KOBAYASHI et al. (U.S. Pat. No. 6,488,586) in view of "Advanced Dungeons&Dragons® Players Handbook 2nd Edition" by Steve Winter and Jon Pickens (hereinafter WINTER et al.), and in further view of "Advanced Dungeons&Dragons® Dungeon Masters Guide" by Gary Gygax (hereinafter GYGAX).

Applicants' invention, as recited in claim 1, 7 or 13, includes, inter alia, judging whether a level of mastery for each of the at least one ability linked with the possessed item satisfies a predetermined condition, and when the level of mastery for an ability linked with the possessed item satisfies the predetermined condition, giving the character the ability for use in the game in accordance with a subsequent operation of the player. The level of mastery for each ability linked with the item is determined in accordance with an activity of the character while possessing the item.

As the Examiner admitted, KOBAYASHI et al. does not disclose that when the level of mastery for an ability satisfies the predetermined condition, the character is given the ability, linked with the item, for use in the game in accordance with a subsequent operation of the player. The Examiner asserted that WINTER et al. discloses that "when the level of mastery of a character, that at least one ability of the character, satisfies a predetermined condition, and the character is given the ability to perform better."

However, such a general assertion (i.e., "perform better") is different from features of the

present invention, as clearly recited in amended claims 1, 7 and 13. In other words, WINTER et al. does not disclose that the level of mastery for each ability linked with the possessed item is determined in accordance with an activity of the character while possessing the item. Further, Winter et al. does not disclose that the ability linked with the possessed item during the activity is given to the character for use in the game in accordance with a subsequent operation of the player.

Moreover, the Examiner asserted that KOBAYASHI et al. discloses judging whether the level of mastery of an ability of an item satisfies a predetermined condition. However, KOBAYASHI et al. merely discloses "action power," which corresponds to the number of commands allowed. As stated at col. 4 lines 55-61, for example, "input of two or more various commands is acceptable if the total of the action points does not exceed the allowed total action power." Thus, KOBAYASHI et al. does not disclose judging whether a level of mastery for each ability, linked with the possessed item, satisfies a predetermined condition, and that the level of mastery is determined in accordance with an activity of the character while possessing the item, as recited in amended claim 1, 7 and 13.

Thus, neither KOBAYASHI et al. nor WINTER et al. nor GYGAX nor any proper combination thereof discloses the claimed combinations of features of the present invention, as recited in claims 1, 7 or 13.

Claims 2-6, 8-12 and 14-25 depend from claim 1, 7 or 13 (either directly or with intervening claims). Accordingly, Applicants submit that these claims are patentably distinct over the cited art, at least based upon the recitations of claim 1, 7 or 13.

In addition, newly submitted claims 17-19 recite that the character can used the given ability without possessing the item. Further newly submitted claims 23-25 recite that the item comprises

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a protective gear and the at least one ability linked with the protective gear comprises offensive abilities. None of the cited references disclose these features. Accordingly, claims 17-19 and 23-25 are patentably distinct from the cited art, based upon their recitations, as well as the recitations of base claim 1, 7 and 13.

In view of the herein contained amendments and remarks, Applicants respectfully request reconsideration and withdrawal of previously asserted rejections set forth in the Official Action of September 11, 2003, together with an indication of the allowability of all pending claims, in due course. Such action is respectfully requested and is believed to be appropriate and proper.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed number.

Respectfully submitted,
Y. KUROSAWA et al.

Reg. No. 40,065


Bruce Bernstein
Reg. No. 29,027

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Greenblum & Bernstein, P.L.C.
1950 Roland Clarke Place
Reston, VA. 20191
(703) 716-1191